IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15222 of 2005

Between:

1 Khader APasha S/o yakub Ali
R/o Gajwel, Medak District
2 Hyder Ali S/o Late Yousuf Ali
R/o Gajwel, Medak District

..... PETITIONERS

AND

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1 The Mandal Revenue Officer, Gajwel Mandal,

Medak District.
2 Ahmed Ali S/o Yakub Ali, R/o Gajwel Vilalge & Mandla,

Medak District.
3 Asad Ali S/o Yakub Ali, R/o Gajwel Vilalge & Mandla,

Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ in the nature of Writ of Mandamus or any other appropriate Writ or Writs, order or Direction, declaring and setting aside the proceedings dt.8-4-2005 in Proc. No. B/224/04 on the file of the first respondent, as illegal, arbitrary and without jurisdiction; Award costs.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondent No.1: GP FOR REVENUE

The Court made the following :

ORDER:

It is stated that the petitioners father owned and possessed various lands in

an extent of Ac.44.35 situated in S.Nos.22, 28, 30, 31, 32, 34, 130, 131, 405, 419, 420, 421, 981, 982, 983 and 986 and also the house properties situated at Gajwel, Medak District. After the death of their father they filed a suit for partition in O.S.No.9 of 1986 on the file of Court of Subordinate Judge, Siddipet. In the said suit the respondents 2 and 3 herein were arrayed as defendant Nos.2 and 3. The said suit was decreed granting shares to the plaintiffs and also to all other legal heirs of Yakub ali. Against the same, the respondents 2 and 3 along with their mother filed A.S.No.3504 of 1992 before this court, and obtained interim injunction not to alienate the suit schedule property and the same is still subsisting. It appears, the third respondent made an application to the first respondent for mutation of the above property in favour of the legal heirs of late Yakub Ali. The first respondent though referred to the orders passed in the above appeal, has passed orders vide proceedings No.B/2224/04 dated 8.4.2005 mutating the property in respect of S.Nos.130, 131, 419 and 420 in favour of four legal heirs of late Yakub Ali, i.e., the petitioners herein and the respondents 2 and 3 and also giving share to the daughters of late Yakub Ali. While ordering so, the first respondent has stated that the respondents 2 and 3 are in possession of the property and as such they are entitled for issuance of pattedar passbooks. Challenging the said proceedings, the present writ petition is filed.

Heard learned counsel for the petitioners and learned Government pleader for Revenue.

Against the order of the Mandal Revenue Officer dated 8.4.2005 there is an affective alternative remedy available to the petitioner under Section 5 (5) of the A.P. Record of Rights in Land and Pattedar Passbooks Act, 1989. The petitioner, if so advised, can approach the appellate authority within a period of two months from the date of receipt of this order, but in this writ petition no relief can be granted to the petitioner.

Accordingly, the Writ Petition is dismissed at the admission stage.

Elipe Dharma Rao, J.

14th July, 2005

js.

To

1 The Mandal Revenue Officer, Gajwel Mandal,

Medak District.

2 Two CCs to G.P. for Revenue, High Court Buildings,

Hyderabad.

3 2 CD copies.